

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL MCGINN
MICHAEL D. MEEKER
WILLIAM G. MCNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
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WILLIAM P.H. CARY
REID L. PHILLIPS
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S. LEIGH RODENBOUGH IV
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JAMES C. ADAMS II
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JENNIFER K. VAN ZANT
KEARNS DAVIS
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BRIAN J. MCMILLAN
DAVID KUSHNER
CLINTON R. PINYAN

COE W. RAMSEY
ROBERT W. SAUNDERS
GINGER S. SHIELDS
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WALTER L. TIPPETT, JR.
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DORRIAN H. HORSEY
MICHAEL D. SCHAEFER
ANNA P. MCLAMB
DANIEL F.E. SMITH
W. MICHAEL DOWLING

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

OFFICE ADDRESS
1600 WELLS FARGO CAPITOL CENTER
150 FAYETTEVILLE STREET
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

HENRY E. FRYE
OF COUNSEL

WILLIAM G. ROSS, JR.
OF COUNSEL

SARA R. VIZITHUM
OF COUNSEL

DAVID D. SMYTH III
OF COUNSEL

JULIE J. SONG
OF COUNSEL

J. LEE LLOYD
PARTNER AND SPECIAL COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)
L.P. McLENDON, JR. (1921-2010)

GREENSBORO OFFICE
2000 RENAISSANCE PLAZA
230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WRITER'S DIRECT DIAL

October 12, 2012

Via Electronic Comment Filing System

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20544

Re: WBNX-TV, Akron, OH (Facility ID 72958)
Request for Streamlined Financial Hardship Waiver,
Implementation of Commercial Advertisement Loudness
Mitigation (CALM) Act, MB Docket No. 11-93

Dear Ms. Dortch:

Our firm is counsel to Winston Broadcasting Network, Inc. ("Winston Broadcasting"), licensee of WBNX-TV, Akron, Ohio. By this letter, and pursuant to the streamlined processes adopted in the Commission's *Report and Order* issued December 13, 2011, in the above-captioned proceeding (the "*Order*"), Winston Broadcasting Network, Inc. respectfully requests a waiver of the Commercial Advertisement Loudness Mitigation ("CALM") Act rules adopted therein for one year due to financial hardship.

Pursuant to the *Order*, “small broadcast stations” may request a waiver of the Commission’s CALM Act rules through a streamlined waiver process.¹ A “small broadcast station” is defined as a station (1) with no more than \$14 million in annual receipts, *or* (2) located in television markets 150 to 210.² Additionally, to qualify for a waiver under the streamlined process, an applicant must certify that it needs a delay of one year to obtain certain specified equipment in order to avoid financial hardship.³

Enclosed with this letter is the Certification of Edwina Brown, President of Winston Broadcasting, who certifies (1) that WBNX-TV meets the Commission’s definition of a “small broadcast station” for the purposes of the streamlined financial hardship waiver process because, at all relevant times, Winston Broadcasting has less than \$14 million in annual receipts.⁴ Ms. Brown further certifies that, to avoid financial hardship, Winston Broadcasting requires a one-year delay to obtain certain specified equipment necessary for WBNX-TV to comply with the Commission’s CALM Act rules.

Accordingly, WBNX-TV meets the definition of a “small broadcast station” and respectfully requests a waiver of CALM Act compliance for one year.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Respectfully submitted,

BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.



Elizabeth E. Spainhour
Counsel to Winston Broadcasting Network, Inc.

Enclosure

¹ See *Implementation of Commercial Advertisement Loudness Mitigation Act*, Report and Order, FCC 11-182, ¶¶ 52-53 (2011).

² See *id.*, ¶ 53.

³ See *id.*, ¶ 52 & n.226.

⁴ WBNX-TV is licensed to Akron, Ohio, which is located in the Cleveland-Akron (Canton) DMA (No. 18). See <http://www.nielsen.com/content/dam/corporate/us/en/public%20factsheets/tv/nielsen-2012-local-DMA-TV-penetration.pdf>.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

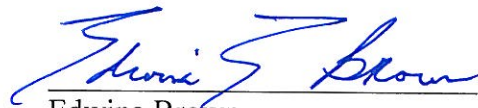
In the Matter of)
)
Implementation of the Commercial) MB Docket No. 11-93
Advertisement Loudness Mitigation (CALM))
Act)

Certification of Edwina Brown

I, Edwina Brown, hereby certify as follows:

1. I am the President of Winston Broadcasting Network, Inc. ("Winston Broadcasting"), licensee of WNBX-TV, Akron, Ohio. I have held this position since 2010.
2. Winston Broadcasting is a for-profit corporation that airs general entertainment programming to its local viewers in the Cleveland-Akron (Canton) Designated Market Area.
3. During the calendar year 2011, Winston Broadcasting Network, Inc. had less than \$14 million in annual receipts. Winston Broadcasting anticipates that it will have less than \$14 million in annual receipts for both the 2012 and 2013 calendar years.
4. To avoid financial hardship, which would compromise Winston Broadcasting's mission to air community-responsive programming of interest to its viewers, Winston Broadcasting requires a waiver of the Commission's CALM Act rules for one year to allow it to obtain the necessary equipment to comply with the rules.
5. Attached as Exhibit 1 are two estimates provided by Linear Acoustic listing the equipment WNBX-TV requires to comply with the Commission's CALM Act rules.

10/12/12
Date


Edwina Brown
President
Winston Broadcasting Network, Inc.

Hal Buttermore
Field Applications
Engineer
Cell: 248-953-3377



LINEAR ACOUSTIC
108 Foxshire Drive,
Lancaster, PA.
17601
Fax: 717-735-3612

Customer Details		Quotation	
Name	Dan Roadman	Quote Number	HB101112-631
Address	WBNX-TV	Date	Thursday, October 11, 2012
	2690 State Road	Delivery	30 days from receipt of PO
	Cuyahoga Falls, OH	Contact	Hal Buttermore
	44223	E-Mail	hal@linearacoustic.com
Phone	330-922-5500	Telephone	
E-Mail Address	droadman@wbnc.com	Mobile	248-953-3377

Quote expires after 30 days from origination date.

All sales subject to Linear Acoustic standard terms and conditions.

No	Model	Description	Unit Cost	Qty	TOTAL Net USD
1	LQ1000 Part #2001-00126-000	Linear Acoustic Loudness Quality Monitor ITU-R BS.1770 and EBU R128 compliant loudness metering. "Loudness Speedometer" uses intuitive color indication of loudness target and comfort zone so that vital information can be observed instantly. Logging of session and weekly loudness and metadata as csv files saved to USB as well as via built-in http server to any network connected device. Standard features include "Apply" function to scale input audio to match target after measurement. AES I/O, auto sensing HD/SD-SDI I/O and VGA output. Available options include Dolby Digital/Plus/E decoding, redundant power supply, and wired VGA remote. HD/SD-SDI I/O and "Apply" function are included as standard features.	\$4,950	1	\$4,950.00
2	OPT. 02 – Dolby Decode Part #2011-00035-000	Dolby E/Dolby Digital (AC-3) decoding Discrete and downmixed baseband PCM decoded outputs via rear panel BNC connectors.	\$3,500	1	\$3,500.00
3	OPT. 03 – Dual PSU Part #2011-00036-000	Second Power Supply for dual redundant operation.	\$545	1	\$545.00
				Total	\$8,995.00
Comments: SUBJECT to CREDIT APPROVAL Technical Support: Call Hal Buttermore at 248-953-3377. Warranty: Two-years limited parts and labor			All Quotations are subject to Linear Acoustic standard terms and conditions of sale. Shipping costs are not include in total.		

Hal Buttermore
Field Applications
Engineer
Cell: 248-953-3377



LINEAR ACOUSTIC®

LINEAR ACOUSTIC
108 Foxshire Drive,
Lancaster, PA.
17601
Fax: 717-735-3612

Customer Details	
Name	Dan Roadman
Address	WBNX-TV
	2690 State Road
	Cuyahoga Falls, OH
	44223
Phone	330-922-5500
E-Mail Address	droadman@wbx.com

Quotation	
Quote Number	HB101112-630
Date	Thursday, October 11, 2012
Delivery	30 days from receipt of PO
Contact	Hal Buttermore
E-Mail	hal@linearacoustic.com
Telephone	
Mobile	248-953-3377

Quote expires after 30 days from origination date.

All sales subject to Linear Acoustic standard terms and conditions.

No	Model	Description	Unit Cost		Qty	TOTAL Net USD
1	AERO.air™ (5.1) Part #2001-00158-000	AERO.air (5.1) Fully-featured 10-channel (5.1+2+2) Transmission Loudness Manager Smooths and blends network and local content by matching loudness and maintaining center channel compatibility with upmixing. Ten-channel main digital I/O for 5.1+2+2 or 2+2+2+2, and EAS. Includes 10-channel AES I/O and auto-sensing HD/SD-SDI I/O for up to 16 channels plus SMPTE 2020 A/B metadata support. Control via GPI, metadata, or automatic modes. Features UPMAX® with AutoMAX™ 5.1 channel upmixing algorithms for two channel inputs, dual redundant power supplies. Nielsen Watermark encoding, compensating video delay and Dolby® encoding/decoding options available. NEW: CrowdControl™ Dialogue Protection, UPMAX II and SDI I/O are included as standard features.	\$21,750		1	\$21,750.00
			Total			\$21,750.00

Comments: **SUBJECT to CREDIT APPROVAL**
 Technical Support: Call Hal Buttermore at 248-953-3377.
 Warranty: Two-years limited parts and labor

All Quotations are subject to Linear Acoustic standard terms and conditions of sale.
 Shipping costs are not included in total.